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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,347	06/13/2001	Tetsuo Hosokawa	3531.65621	7010

7590 03/29/2004

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EXAMINER

BERNATZ, KEVIN M

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/880,347

Applicant(s)

HOSOKAWA ET AL.

Examiner

Kevin M Bernatz

Art Unit

1773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-3 and 5-9.Claim(s) withdrawn from consideration: 10-13.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 11/3/04.  
10. ☐ Other: \_\_\_\_\_


Continuation of 5. does NOT place the application in condition for allowance because: applicants' arguments have not been found persuasive. Specifically, applicants argue that the proposed combination of Iwata et al. in view of Yamaguchi et al. would destroy the teachings of Iwata et al. since "one of the main teachings of the Iwata et al. reference is to add an in-plane magnetization layer between the reproduction layer and the supplementary reproduction layer" (pages 8 - 9 of response). Applicants also argue that Iwata et al. fail to disclose layers having perpendicular magnetization. The Examiner respectfully disagrees.


The Examiner notes that Iwata et al. disclose that reproducing layers meeting applicants' claimed structural limitations, while not preferred embodiments, still possess high recording densities (col. 2, lines 35 - 40). Furthermore, Yamaguchi et al. teach structures that are both similar to Iwata et al.'s preferred embodiments (e.g., Yamaguchi et al., Figures 1, 2, 8 and 11 : exchange break layer between the reproducing and supplementary reproducing layers) and to applicants' claimed structural limitations (e.g. Figures 20, 23 and 31), thereby implicitly showing a known equivalency between the structures. Regarding the limitation in perpendicular magnetization, Yamaguchi et al. explicitly shows perpendicular magnetized layers (Figure 23) and Iwata et al.'s layers read on the claimed invention since the present claims do not limit at which temperature "each of said first and second reproducing layers hav[e] perpendicular magnetization" (claim 1).

Applicants further argue that Nishimura et al. fails to teach the limitation in Gd difference, nor layers having perpendicular magnetization as argued above. The Examiner respectfully disagrees.

See above with regard to the limitation in perpendicular magnetization. With regard to the Gd composition difference, the Examiner notes that a reference is good not only for what it explicitly discloses, but also what one of ordinary skill would readily ascertain from the entire disclosure. The Examiner notes that Table 8 explicitly shows a range in Gd percent for one layer at 24 - 32 at% and 25 - 45% for the other layer. While there may not be an explicit example meeting applicants' claimed relative Gd percentages, the general Gd amounts from the Table are substantially coextensive. Furthermore, the Examiner notes Figure 35 which is a direct comparison of Gd percentage of one layer versus various Gd percentages of the other layer.

Finally, applicants argue that the combination of Hirokane et al. in view of Yamaguchi et al. fail to disclose perpendicular magnetization layers, as argued above. The Examiner again notes that the magnetization at a specific temperature is not claimed, so as long as the layer possesses perpendicular magnetization at some reported temperature the layer meets the claimed limitation. Furthermore, applicants are reminded that Yamaguchi et al. provides explicit teaching of using three directly adjacent GdFeCo layers possessing similar compositions, all of which are perpendicular magnetization films at room temperature (Figures 20, 23 and 31 and col. 12, lines 8 - 56).

  
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3/23/04